

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above amendment and the discussion below.

Prior to discussing the nature of the present amendment, Applicants, through their attorney, wish to thank the Examiner in charge of this application for the courtesies extended during the August 25, 2004 personal interview during which independent claims 1, 37, 48, 60 and 66 and, particularly independent claim 1, were discussed with respect to defining over the references of record as well as the addition of amended language to further define over the references.

Each of independent claims 1, 37, 48, 60 and 66 now recite that there is complete separation of the spindle from the nut and from the rotational drive unit as a result of the rotational drive unit supplying a torsional force to the nut.

The outstanding Patent Office Action contains a rejection of claims 1, 2 and 60 under 35 U.S.C. 102 as anticipated by Wittenstein or Dietrich and claim 17 and 18 are rejected under 35 U.S.C. 103 as unpatentable over the same two references further in view of Madey as indicated at the bottom of page 2 and the top of page 3 of the Patent Office Action. Claim 3 is rejected over the combination of Wittenstein or Dietrich in view of Hansen. Claims 30 and 31 are rejected over the combination of Wittenstein or Dietrich as modified by Madey and further in view of Schonfield. Claims 37, 38, 43, 46-49, 54, 57, 58, 60, 62, 66 and 67 have been rejected under 35 U.S.C. 103 as unpatentable over Roth in view of Wittenstein or Dietrich as indicated on page 4 of the Patent Office Action. Claims 44, 45, 55 and 56 have been rejected under 35 U.S.C. 103 as

unpatentable over Roth as modified by Wittenstein or Dietrich and further in view of Madey. Claim 59 is rejected over the combination of Roth, Wittenstein or Dietrich and Schonfield.

Applicants respectfully submit that each of independent claims 1, 37, 48 and 66 provide a structure which is not shown or disclosed or made obvious by the references or their combination and, additionally, method claim 60 defines method steps not available from the references of record or the combination.

The reference to Wittenstein U.S. Patent No. 6,189,391 concerns a linear drive with a threaded rod 1, a nut 2 and an electric motor 4 contained within the gear mechanism housing. When the threaded rod is displaced in the direction of the arrow, a reaction force occurs in the outer bearing rings. The reaction force is determined by a force sensor 7 and the signals generated from the force sensors are evaluated in order to protect the spindle against overload. There is no showing of Applicants' claimed invention in each of independent claims 1, 37, 48, 60 and 66 whereby there is complete separation of spindle from the nut and the rotational drive unit as a result of a torsional force applied by the rotating drive unit to the nut.

The reference to Dietrich et al. U.S. Patent No. 5,731,640 is a device for converting rotary movement into axial movement of a spindle 8 with a spindle 5 and an electric motor 4. There is no disclosure or suggestion of a complete separation of the spindle from the nut and drive motor. As noted at column 5, lines 10-14, if the electric motor is turned off, the torsion spring 21 releases the energy so that the rotation of the motor shaft is reversed and the shaft is rotated in the opposite direction to ensure that the spindle 8 is moved in the direction

opposite to its previous movement by a predefined length of travel and, therefore, the spindle is reset.

Applicants' claimed invention, as discussed above, provides for a complete separation of the spindle from the nut as a result of the torsional force to the nut. As discussed in the application, the purpose of the present invention is to provide for the complete separation of the nut and, therefore, of any device attached to the spindle such as the illustrated solar generating unit 8. It is the purpose of the present invention, as discussed in the background of the invention, to provide for this complete separation in order to avoid having a spindle remaining in the projecting position from the linear actuating device.

The reference to Madey has been cited for holding the nut in place while the reference to Hansen has been cited for use of a spring element as a motor drive unit and the reference to Schonfield has been cited for mountings that are tiltable. Finally, the reference to Roth has been cited for disclosing solar panel release devices having a spindle.

Even accepting the statement of the rejection for the showing of the secondary references, they add nothing toward meeting the claim limitations of each of independent claims 1, 37, 48, 60 and 66 with respect to the rotating drive unit supplying a torsional force to the nut to provide complete separation of the spindle from the nut and the rotating drive unit.

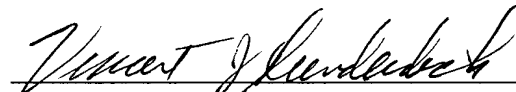
Newly added dependent claims 69-73, further limit each of the respective independent claims by reciting that the spindle is connected to a mechanism to be separated from the linear operating device. Each of these dependent claims are fully supported by the originally filed specification.

Therefore, in view of the distinguishing features between the claimed invention and the references which features are not shown or disclosed or made obvious by the references or the combination, Applicants respectfully request that this application containing claims 1-3, 17, 18, 30, 31, 33-38, 43-49, 54-60, 66, 67 and 69-73 be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010739.49910US).

Respectfully submitted,



Vincent J. Sunderdick
Registration No. 29,004

September 1, 2004
CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
VJS:vlc
#335896v1